COOR, alkyl-COR, SO_3R, $CONR_2$, SO_2NR_2, CN, CF_3, NR_2, OR, alkyl-SR, alkyl-SOR, alkyl-SO_2R, alkyl-OCOR, alkyl-COOR, alkyl-CN, alkyl-$CONR_2$, or R_3Si, wherein each R is independently H, alkyl, alkenyl or aryl or heteroforms thereof;

each R^3 is independently a noninterfering substituent;

n is 0-3;

each of L^1 and L^2 is independently alkylene (1-4C) or alkenylene (1-4C) optionally substituted with a moiety selected from the group consisting of alkyl, alkenyl, alkynyl, aryl, arylalkyl, acyl, aroyl, heteroaryl, heteroalkyl, heteroalkenyl, heteroalkynyl, heteroalkylaryl, NH-aroyl, halo, OR, NR_2, SR, SOR, SO_2R, OCOR, NRCOR, $NRCONR_2$, NRCOOR, $OCONR_2$, RCO, COOR, alkyl-OOR, SO_3R, $CONR_2$, SO_2NR_2, $NRSO_2NR_2$, CN, CF_3, R_3Si, and NO_2, wherein each R is independently H, alkyl, alkenyl or aryl or heteroforms thereof, and wherein two substituents on L^1 or L^2 can be joined to form a non-aromatic saturated or unsaturated ring that includes 0-3 heteroatoms which are O, S and/or N and which contains 3 to 8 members or said two substituents can be joined to form a carbonyl moiety or an oxime, oximeether, oximeester or ketal of said carbonyl moiety;

each R^4 is independently a noninterfering substituent;

m is 0-4;

Ar is an aryl group substituted with 0-5 noninterfering substituents, wherein two noninterfering substituents can form a fused ring; and

the distance between the atom of Ar linked to L^2 and the center of the α ring is 4.5-24Å.

Please cancel claims 7 and 8.

Please replace presently pending claim 9 with the following claim 9:

9.   (Amended) The compound of claim 1 wherein R^7 is H, or is optionally substituted alkyl, or acyl.

Please cancel claims 14 and 15.

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Please replace presently pending claims 16 and 17 with the foll wing claims 16 and 17:

16.   (Amended) The compound of claim 1 wherein L^2 is unsubstituted alkylene and L^1 is CO.

17.   (Amended) The compound of claim 1 wherein L^2 is unsubstituted methylene, methylene substituted with alkyl, or -CH= and L^1 is alkylene or CO.

Please replace presently pending claim 30 with the following claim 30:

30.   (Amended) The compound of claim 1 wherein Z^2 at position 3 is CA or CHA.

Please add the following claims:

45.   (New) The compound of claim 36, wherein Z^2 at position 3 is CA.

46.   (New) The compound of claim 45, wherein Z^2 at position 2 is CR^1.

47.   (New) The compound of claim 46, wherein A is $COCOR^2$.

48.   (New) The compound of claim 47, wherein R^2 is H, or is straight or branched chain alkyl, alkenyl, alkynyl, aryl, arylalkyl, heteroalkyl, heteroaryl, or heteroarylalkyl, each optionally substituted with halo, alkyl, heteroalkyl, SR, OR, NR_2, OCOR, NRCOR, $NRCONR_2$, $NRSO_2R$, $NRSO_2NR_2$, $OCONR_2$, CN, COOR, $CONR_2$, COR, or R_3Si wherein each R is independently H, alkyl, alkenyl or aryl or the heteroatom-containing forms thereof, or

wherein R^2 is OR, NR_2, SR, $NRCONR_2$, $OCONR_2$, or $NRSO_2NR_2$, wherein each R is independently H, alkyl, alkenyl or aryl or the heteroatom-containing forms thereof, and wherein two R attached to the same atom may form a 3-8 member ring and wherein said ring may further be substituted by alkyl, alkenyl, alkynyl, aryl, arylalkyl, heteroalkyl, heteroaryl, heteroarylalkyl, each optionally substituted with halo, SR, OR, NR_2, OCOR, NRCOR, $NRCONR_2$, $NRSO_2R$, $NRSO_2NR_2$, $OCONR_2$, or R_3Si wherein each R is independently H, alkyl, alkenyl or aryl or the

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heteroatom-containing forms thereof wherein two R attached to the same atom may form a 3-8 member ring, optionally substituted as above defined.

49. (New) The compound of claim 48, wherein R^1 is H.

50. (New) The compound of claim 49, wherein n is 0 or 1.

51. (New) The compound of claim 50, wherein Ar is substituted phenyl.

52. (New) The compound of claim 51, wherein L^2 is unsubstituted or substituted alkylene optionally including a heteroatom.

53. (New) The compound of claim 52, wherein L^1 is alkylene or CO.

54. (New) The compound of claim 53, wherein L^2 is methylene and L^1 is CO.

55. (New) The compound of claim 54, wherein n is 1 and R^3 is halo or methoxy.

56. (New) The compound of claim 55, wherein R^7 is H or alkyl.

57. (New) The compound of claim 56, wherein R^7 is methyl.

58. (New) The compound of claim 57, wherein Ar is para-fluorophenyl.

59. (New) The compound of claim 58, wherein R^2 is OR, NR_2, SR, $NRCONR_2$, $OCONR_2$ or $NRSO_2NR_2$ wherein each R is independently H, alkyl, alkenyl or aryl or the heteroatom containing forms thereof and wherein two R attached to the same atom may form a 3-8 membered ring.

60. (New) The compound of claim 59, wherein R^2 is NR_2 wherein each R is independently H, alkyl, alkenyl or aryl or the heteroatom containing forms thereof and wherein two R attached to the same atom may form a 3-8 membered ring.

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61. (New) The compound of claim 60, which is selected from the group consisting of compound Nos. 15, 33, 57, 59, 77, 89, 96, 98 and 100 of Table 2.

62. (New) The compound of claim 60, wherein said compound is compound No. 15 of Table 2.

63. (New) The compound of claim 60, wherein said compound is compound No. 33 of Table 2.

64. (New) The compound of claim 60, wherein said compound is compound No. 57 of Table 2.

65. (New) The compound of claim 60, wherein said compound is compound No. 59 of Table 2.

66. (New) The compound of claim 60, wherein said compound is compound No. 77 of Table 2.

67. (New) The compound of claim 60, wherein said compound is compound No. 89 of Table 2.

68. (New) The compound of claim 60, wherein said compound is compound No. 96 of Table 2.

69. (New) The compound of claim 60, wherein said compound is compound No. 98 of Table 2.

70. (New) The compound of claim 60, wherein said compound is compound No. 100 of Table 2.

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REMARKS

The amendment to the specification is to correct an obvious typographical error on page 11, line 3. "A" cannot possibly be $COCR^2$ and this formula has been corrected. This paragraph has also been corrected at page 10, line 28, to replace "alkyl, alkenyl, or alkynyl" with the correct forms -- alkylene, alkenylene, or alkynylene--. The correction is inherent since W and X must be divalent and alkyl, alkenyl, and alkynyl are monovalent. Clearly what was intended is the divalent substituents alkylene, alkenylene, and alkynylene. Because the intended meaning was obvious, this is not new matter.

The claims have been amended where necessary in response to the rejections or to expedite prosecution. The formula (1) in claim 1 has been redrawn as definition of l and k become unnecessary when both are restricted to 1; also the defined Z^3 as NR^7 and Z^1 as N have been inserted into the formula. Claim 1 has also been amended to insert structural definitions for L^1, L^2, W and X. While applicants do not agree that the scope of the original claim is improper, in order to expedite prosecution, these substituents have been defined in structural terms as set forth in the specification. Support for the definitions of L^1 and L^2 are found on page 6, beginning at line 26 and continuing to page 7, line 18. Support for the definitions of W and X is found in the paragraph at the bottom of page 10 as amended hereinabove. Claims 7, 8 and 15 have been canceled as now redundant and the dependencies of claims 9, 16 and 17 have been changed. Claim 14 has been canceled as it does not fall within the scope of claim 1. The typographical error in claim 30 has been corrected (H^1 has been corrected to read simply "H").

The proposed additional claims all depend from claim 36 which limits the compounds to those which are derivatives of indole, benzimidazole or benztriazine. The added dependent claims track dependent claims previously pending or find support on pages 6-11 and throughout the specification. No new matter has been added and entry of the amendment is respectfully requested.

The Rejection of Claims 8, 30 and 38

Claim 8 was rejected because there is no antecedent basis for R^7 in claim 1. Applicants regret this inadvertent error. The definition of R^7 from claim 7 has been inserted into claim 1.

The typographical error in claim 30 has been corrected.

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The objection to claim 38 is traversed. There is no basis in the cited decision, *Ex parte Fressola*, 27 USPQ2d 1608 for a rule that "claims must stand alone to define the invention and incorporation into claims by express reference to the specification is not permitted." A review of the decision in *Fressola* shows that it is inapposite here. The claim in *Fressola* read

> A system for the display of stereographic three dimensional images
> of celestial objects as disclosed in the specification and drawings
> herein.

And that is all. Clearly such a claim fails to set forth the metes and bounds of what is being claimed. As the Court states, this is simply an omnibus claim which is indefinite as failing to distinctly claim the invention.

Conversely, here, only a specific set of compounds is listed in Tables 2 and 3. The metes and bounds are just as clear in the present claim wording as they would be if Tables 2 and 3 were bodily inserted into the claim. There is no possible rationale for the assertion that the metes and bounds of this claim are indefinite. Therefore, withdrawal of this basis for rejection is respectfully requested.

The Rejection of Claim 42

Claim 42 was rejected with regard to wording that no longer appears in the claim. It is believed that perhaps the Office is considering claim 42 prior to the amendment submitted in response to the restriction requirement. Claim 42 as presently drawn does not even mention p38α. Accordingly, the rejection of this claim under 35 U.S.C. § 112, first and second paragraphs, may properly be withdrawn.

The Rejection of Claim 1 Under 35 U.S.C. § 112, first paragraph

Finally, claim 1 was rejected under 35 U.S.C. § 112, first paragraph, as assertedly lacking enablement. The objection was raised to the definitions of L^1, L^2, W and X as these are defined in terms of the distances they interpose between specific points of the molecule rather than as specific structural components. The Office objects that there are many linking structures that can meet these length requirements but only certain limited number of these are actually described in the specification.

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The Office thus seems to suppose that the claim must enable each and every possible embodiment of L^1, L^2, W and X that can meet these length restrictions. Respectfully, it is believed that this is not the correct criterion. As long as the specification teaches a reasonable number of embodiments which will permit the practitioner to practice the invention, this is sufficient. It is the distances interposed that are the critical features of the molecule, not the specific nature of these linkers. It is believed that the metes and bounds of the invention are clearly defined by the claims and the practitioner can readily construct molecules given the directions in the specification which provide the specified distances. Therefore, the invention is enabled as claimed.

The case cited by the Office, *In re Howarth*, 654 F2d 103, 210 USPQ 689 (CCPA 1981) is unrelated to this issue. The issue in that case was whether patent applications in Rhodesia, Panama and Luxembourg could be considered part of the ordinary skill of the art and the answer was no. The rationale was that there was no proper guidance directing the reader to these applications nor were there available reasonable search tools which would permit the ordinary practitioner to access them. This is not the issue here.

Nevertheless, in order to expedite prosecution, the definitions of L^1, L^2, W and X have been inserted from the specification and it is believed that this basis for rejection is moot.

The Art Rejection

Claims 1-9, 11-12, 15-21, 29, 31-33, 36-37 and 39-41 were rejected as assertedly obvious over Takashima in view of Patani. It is believed that the amendment to claim 1 moots this rejection. The compounds of Takashima are benzofurans; the compounds claimed herein are derivatives of indole. These are entirely distinct classes of compounds. Accordingly, this basis for rejection may properly be withdrawn.

Applicants appreciate the indication of allowability of claims 22-28; however, applicants feel compelled to point out that claims 22-28 do not mandate any substituents as R^3 or R^4 as there is no limitation that m or n be greater than zero (0). Therefore, it is believed that the Office considered these claims free of the art, as the Office saw the claims at the time, in error.

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